

H.776

Introduced by Committee on General, Housing and Military Affairs

Date:

Subject: Commerce and trade; residential rental agreements; minimum
habitability standards

Statement of purpose: This bill proposes to establish minimum habitability
standards for rental housing.

An act relating to rental housing

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. chapter 137, §§ 4451–4469 are designated as:

Subchapter 1. Rental Agreements

Sec. 2. 9 V.S.A. chapter 137, subchapter 2 is added to read:

Subchapter 2. Minimum Habitability Standards

§ 4469a. RENTAL HOUSING; MINIMUM HABITABILITY STANDARDS;

GENERAL PROVISIONS

(a) The purpose of these standards is to protect the health, safety, and
well-being of the occupants of rental housing by establishing minimum
habitability standards for all residential rental housing in Vermont.

(b) Each rental property in the state must comply with all applicable
housing laws and codes, including the laws relating to lead poisoning in

1 ~~18 V.S.A. §§ 1759–1760, the rental housing health code promulgated by the~~
2 department of health, the Vermont fire and building safety code promulgated
3 by the department of public safety, and regulations regarding potable water and
4 septic systems promulgated by the agency of natural resources.

5 (c) For purposes of this subchapter, “dwelling unit” includes all rental
6 dwelling units, rooming houses, rooming units, and mobile home
7 lots used as regular residences.

8 (d) The minimum habitability standards described in this subchapter apply
9 to all dwelling units in the state. The standards do not apply to transient
10 occupancy in a hotel, motel, or other lodging licensed by the department of
11 health during the time the occupancy is subject to a tax levied under
12 chapter 225 of Title 32.

13 § 4469b. SANITATION FACILITIES

14 (a) Every dwelling unit shall:

15 (1) Contain the unit space to store, prepare, and serve foods in a sanitary
16 manner.

17 (2) Contain within the unit a flush toilet, sink, and bathtub or shower.

18 (3) Be connected to, and every rental mobile home lot shall have access
19 to, a supply of potable water sufficient in quantity and pressure to meet the
20 ordinary needs of the occupants.

1 ~~(4) Be equipped so that each kitchen sink, lavatory sink, shower, and tub~~
2 ~~is connected with water-heating facilities capable of safely heating an adequate~~
3 ~~yield of water.~~

4 ~~(5) Be connected to, and every rented mobile home lot shall have access~~
5 ~~to, a public sewage system, if available, or to a properly operating subsurface~~
6 ~~wastewater disposal system.~~

7 ~~(b) The owner of any dwelling unit shall provide and maintain appropriate~~
8 ~~receptacles for the removal of garbage and rubbish and shall ensure that~~
9 ~~arrangements are made for the removal of garbage and rubbish.~~

10 ~~(c) The owner of a dwelling unit shall ensure that all common spaces are~~
11 ~~free from rodent and insect infestation and shall be responsible for the~~
12 ~~extermination of rodent and insect infestation in all common spaces and in~~
13 ~~each infested dwelling unit if infestation exists in two or more dwelling units.~~

14 § 4469c. BUILDING SYSTEMS

15 ~~(a) Heating facilities in all dwelling units shall be able to maintain a room~~
16 ~~temperature of at least 65 degrees Fahrenheit in all habitable rooms when the~~
17 ~~outside temperature is less than 55 degrees Fahrenheit.~~

18 ~~(b) Every habitable room in a dwelling unit shall have ventilation to the~~
19 ~~outdoors, including at least one window or door that can be opened to the~~
20 ~~outdoors without tools, and every bathroom shall have ventilation to the~~
21 ~~outdoors.~~

1 ~~(c) Every habitable room in a dwelling unit shall contain at least two~~
2 ~~duplex electrical outlets or one duplex electrical outlet and a light fixture, and~~
3 ~~each bathroom and entrance shall be adequately lit.~~

4 § 4469d. STRUCTURAL ELEMENTS

5 Every dwelling unit shall be weather tight, waterproof, rodent proof, and in
6 good repair.

7 § 4469e. LEAD PAINT

8 (a) Owners of rental housing built before 1978 shall ensure that essential
9 maintenance practices (EMP) are performed by a person certified to do so,
10 shall file an EMP compliance statement annually with the department of
11 health, the owner's insurance carrier, and an adult tenant in each rented unit of
12 the property, and shall comply with the provisions of chapter 38 of Title 18.

13 (b) No person shall disturb more than one square foot of lead paint using
14 unsafe work practices in any rental housing unit, unless authorized to do so by
15 the department of health.

16 § 4469f. LIFE SAFETY

17 (a) Every dwelling unit shall have smoke alarms which shall be directly
18 wired to the unit's electrical system, and the smoke alarms shall have battery
19 backup. Smoke alarms installed after June 15, 2009, shall be the photoelectric
20 type.

1 ~~(b) Every dwelling unit shall have carbon monoxide (CO) alarms which~~
2 ~~shall be directly wired to the unit's electrical system, and the carbon monoxide~~
3 ~~alarms shall have battery backup.~~

4 (c) The exits and means of escape from a dwelling unit or building shall be
5 of sufficient size to allow escape and shall be kept clear and unobstructed.

6 (d) All fuel-burning heating appliances shall be inspected and vented to the
7 outside of the building.

8 § 4469g. MOBILE HOMES ON A RENTED LOT

9 Every mobile home lot shall provide a connection to electrical services,
10 water supply, and sewage disposal.

11 § 4469h. MUNICIPAL ORDINANCES; ENFORCEMENT

12 (a) Nothing in this subchapter shall prevent a municipality from adopting
13 habitability standards for rental housing that are more stringent than the
14 requirements of this subchapter.

15 (b) The provisions of this subchapter may be enforced by local health
16 officers as described in chapter 11 of Title 18, and by municipal enforcing
17 officers as described in chapter 123 of Title 24.

18 Sec. 3. 9 V.S.A. § 4451 is amended to read:

19 § 4451. DEFINITIONS

20 As used in this ~~chapter~~ subchapter:

21 * * *

1 ~~Sec. 4. 32 V.S.A. § 4152 is amended to read:~~

2 ~~§ 4152. —CONTENTS~~

3 ~~(a) When completed, the grand list of a town shall be in such form as the~~
4 ~~director prescribes and shall contain such information as the director~~
5 ~~prescribes, including:~~

6 ~~* * *~~

7 ~~(9) Separate columns which will show the listed valuations of~~
8 ~~homesteads as defined in subdivision 5401(7) of this title and housesites as~~
9 ~~defined under subdivision 6061(11) of this title;~~

10 ~~(10) A notation whether a taxpayer's real property includes residential~~
11 ~~rental housing with more than a single dwelling unit.~~

12 ~~* * *~~

Sec. 1. 24 V.S.A. chapter 124 is added to read:

CHAPTER 124. RENTAL HOUSING; MINIMUM HABITABILITY STANDARDS

§ 5021. RENTAL HOUSING; MINIMUM HABITABILITY STANDARDS; GENERAL PROVISIONS

(a) The purpose of these standards is to protect the health, safety, and well-being of the occupants of rental housing by establishing minimum habitability standards for all residential rental housing in Vermont.

(b) Each rental property in the state must comply with all applicable housing laws and codes, including the laws relating to lead poisoning in 18 V.S.A. §§ 1759–1760, the rental housing health code promulgated by the department of health, the Vermont fire and building safety code promulgated by the department of public safety, and regulations regarding potable water and septic systems promulgated by the agency of natural resources.

~~(c) For purposes of this chapter, "dwelling unit" includes all rental dwellings, dwelling units, rooming houses, rooming units, and mobile home lots used as regular residences.~~

~~(b) The standards imposed by this chapter are in addition to and not in lieu of any applicable housing laws and codes, including the laws relating to lead poisoning in 18 V.S.A. §§ 1759–1760, the rental housing health code promulgated by the department of health, the Vermont fire and building safety code promulgated by the department of public safety, and regulations regarding potable water and septic systems promulgated by the agency of natural resources.~~

~~(c) For purposes of this chapter, "dwelling unit" means all rental dwellings, including apartments, rooming houses, rooming units, and mobile home lots, used as regular residences.~~

~~(d) The minimum habitability standards described in this chapter apply to all dwelling units in the state. The standards do not apply to transient occupancy in a hotel, motel, or other lodging licensed by the department of health during the time the occupancy is subject to a tax levied under chapter 225 of Title 32.~~

§ 5022. SANITATION FACILITIES

(a) Every dwelling unit shall:

(1) Contain the unit space to store, prepare, and serve foods in a sanitary manner.

(2) Contain within the unit a flush toilet, sink, and bathtub or shower.

(3) Be connected to, and every rental mobile home lot shall have access to, a supply of potable water sufficient in quantity and pressure to meet the ordinary needs of the occupants.

(4) Be equipped so that each kitchen sink, lavatory sink, shower, and tub is connected with water-heating facilities capable of safely heating an adequate yield of water.

(5) Be connected to, and every rented mobile home lot shall have access to, a public sewage system, if available, or to a properly operating subsurface wastewater disposal system.

(b) The owner of any dwelling unit shall provide and maintain appropriate receptacles for the removal of garbage and rubbish and shall ensure that arrangements are made for the removal of garbage and rubbish.

(c) The owner of a dwelling unit shall ensure that all common spaces are free from rodent and insect infestation and shall be responsible for the

extermination of rodent and insect infestation in all common spaces and in each infested dwelling unit if infestation exists in two or more dwelling units.

§ 5023. BUILDING SYSTEMS

(a) Heating facilities in all dwelling units shall be able to maintain a room temperature of at least 65 degrees Fahrenheit in all habitable rooms when the outside temperature is less than 55 degrees Fahrenheit.

(b) Every habitable room in a dwelling unit shall have ventilation to the outdoors, including at least one window or door that can be opened to the outdoors without tools, and every bathroom shall have ventilation to the outdoors.

(c) Every habitable room in a dwelling unit shall contain at least two duplex electrical outlets or one duplex electrical outlet and a light fixture, and each bathroom and entrance shall be adequately lit.

§ 5024. STRUCTURAL ELEMENTS

Every dwelling unit shall be weather tight, waterproof, rodent proof, and in good repair.

§ 5025. LEAD PAINT

(a) Owners of rental housing built before 1978 shall ensure that essential maintenance practices (EMP) are performed by a person certified to do so, shall file an EMP compliance statement annually with the department of health, the owner's insurance carrier, and an adult tenant in each rented unit of the property, and shall comply with the provisions of chapter 38 of Title 18.

(b) No person shall disturb more than one square foot of lead paint using unsafe work practices in any rental housing unit, unless authorized to do so by the department of health.

§ 5026. LIFE SAFETY

(a) Every dwelling unit shall have smoke alarms which shall be directly wired to the unit's electrical system, and the smoke alarms shall have battery backup. Smoke alarms installed after June 15, 2009, shall be the photoelectric type.

(b) Every dwelling unit shall have carbon monoxide (CO) alarms which shall be directly wired to the unit's electrical system, and the carbon monoxide alarms shall have battery backup.

(c) The exits and means of escape from a dwelling unit or building shall be of sufficient size to allow escape and shall be kept clear and unobstructed.

(d) All fuel-burning heating appliances shall be inspected and vented to the outside of the building.

§ 5027. MOBILE HOMES ON A RENTED LOT

Every mobile home lot shall provide a connection to electrical services, water supply, and sewage disposal.

§ 5028. MUNICIPAL ORDINANCES; ENFORCEMENT

(a) Nothing in this chapter shall prevent a municipality from adopting habitability standards for rental housing that are more stringent than the requirements of this chapter ~~subchapter.~~

(b) The provisions of this chapter may be enforced by local health officers as described in chapter 11 of Title 18, and by municipal enforcing officers as described in chapter 123 of this Title.

Sec. 2. 32 V.S.A. § 4152 is amended to read:

§ 4152. —CONTENTS

(a) When completed, the grand list of a town shall be in such form as the director prescribes and shall contain such information as the director prescribes, including:

* * *

(9) Separate columns which will show the listed valuations of homesteads as defined in subdivision 5401(7) of this title and housesites as defined under subdivision 6061(11) of this title;

(10) A notation whether a taxpayer's real property includes residential ~~rental~~ housing with more than a single dwelling unit.

* * *

(c) A municipality shall be exempted from the requirements of subdivision (a)(10) of this section by filing a hardship waiver with the department of taxes by December 1, 2010. The waiver shall be filed by the municipal assessor or board of listers and include a detailed statement of the reason the waiver is taken, including an identification of the financial impact of, or other impediments to, complying with the requirement of subdivision (a)(10) of this section.

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~~Sec. 3. DEPARTMENT OF TAXES; RENTAL HOUSING; GRAND LIST~~

~~The department of taxes shall consult with the Vermont assessors & listers association and other interested parties to develop and implement by July 1, 2011, an effective method for soliciting taxpayer information regarding~~

~~residential housing with more than a single dwelling unit for inclusion on the grand list or other suitable record.~~

*Sec. 3. DEPARTMENT OF TAXES; MULTIUNIT RESIDENTIAL
HOUSING; GRAND LIST*

The department of taxes shall work with the Vermont assessors and listers association and other interested parties to implement by September 1, 2010, a system to collect taxpayer information regarding multiunit residential housing for inclusion in the 2011 grand list.

Sec. 4. DEPARTMENT OF TAXES; GRAND LIST; WAIVER

(a) By January 15, 2011, the department of taxes shall deliver to the house committees on general, housing and military affairs, and on ways and means, a copy of each waiver allowed by 32 V.S.A. § 4152(c) that it has received.

(b) It is the intent of the house committee on general, housing and military affairs to review the waivers allowed by 32 V.S.A. § 4152(c) to determine whether any action is needed to implement the requirements of 32 V.S.A. § 4152(a)(10), including whether the waiver allowed by 32 V.S.A. § 4152(c) should be repealed.

Sec. 5. EFFECTIVE DATES

Sec. 2 of this act shall take effect on September 1, 2010.